Contempt Petition No. 135 of 2004

Hon. P.C. Pant, J.

In paragraph No. 6 of the contempt Petition filed by Mr. R.C. Pathak (respondent No. 2), it is stated that the order dated 06.11.2003 passed by this Court in Writ Petition No. 1361 (S/S) of 2003 has been complied with and the departmental appeal of the petitioner has been disposed of.

Learned counsel for the petitioner argued that the order dated 28.01.2005 passed by the respondent, Cane Commissioner, by which departmental appeal has been disposed of, is in violation of the observation made by the Court in the order dated 06.11.2003, passed in writ petition.

In the opinion of this Court, the order passed in departmental appeal, which is a speaking order, cannot be questioned in this contempt proceedings.

Learned counsel for the petitioner has stated that he has already filed fresh writ petition challenging the aforesaid order dated 28.01.2005.

In the circumstances, as far as this contempt petition is concerned, it has been rendered infructuous in view of the disposal of the departmental appeal of the petitioner.

Therefore, the contempt petition is dismissed as infructuous. Notices issued against the respondents are discharged.

(P.C. Pant, J.)

Dt. 24.02.2006
HN